

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Michael B. Bennett

Docket No. 5:12-MJ-1415-1

Petition for Action on Probation

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Michael B. Bennett, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 3), was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on December 11, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 72 hours of community service during the first 90 days of Probation as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is supervised in the Southern District of Indiana by Senior U.S. Probation Officer Ross A. Carothers. Officer Carothers reports that the defendant tested positive for alcohol and marijuana use on February 14, 2014. He reports that when Bennett was confronted with the results, he admitted to binge drinking with vodka on the previous night. He also admitted to using marijuana approximately three days prior to the test. At this time, Officer Carothers is requesting that the term of supervision be continued and modified to include an abstinence condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

The defendant shall abstain from the use of all intoxicants and shall not frequent establishments where alcohol sales are the primary source of revenue.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

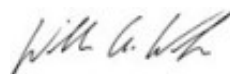
/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: March 10, 2014

ORDER OF COURT

Considered and ordered this 13th day of March, 2014, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge